

FILED

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JOSEPH F. SPANIOLO, JR.
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(3)
No. 89-1601

**In the Supreme Court of the
United States**
OCTOBER TERM, 1989

JOHN E. FULLER
d/b/a PARTY TIME PRODUCTIONS
Petitioner

vs.

**THE MAYOR AND ALDERMAN OF THE
CITY OF SAVANNAH, GEORGIA**
Respondent

**PETITIONER'S REPLY TO
RESPONDENT'S BRIEF IN OPPOSITION**

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May 20, 1990

STATEMENT

The respondents brief claims that the Supreme Court has no jurisdiction in this case solely because no federal question was raised in the state court. This claim is incorrect.

JURISDICTION

A. Under Rule 28, USCS §1257 the Supreme Court has jurisdiction because;

- 1) This is a case which has a final decision coming from a court of last resort.
- 2) The validity of a state statute has been drawn into question.
- 3) A right that has specificity been set up under the United States Constitution has been violated.
- 4) Jurisdiction to review a case for appeal or certiorari needs only the presence of a federal question in the case.

B. Per the record and the respondents own admission (Page 4, respondents brief), a federal question was raised in the trial court. This question concerned the plaintiffs 5th & 14th U.S. Constitutional Amendment Rights. The trial court disposed of the question by granting defendants motion for Summary Judgement. The Summary Judgement was appealed to the Georgia Court of Appeals, (See App 15).*

HOW THE FEDERAL QUESTION WAS PRESENT

A. Trial Court

- 1) The federal question was present in the petitioners letter requesting a continuance, (App 8).
- 2) Petitioner presented a federal question to the trial court when he orally requested a continuance because he needed time to have witnesses as well as an attorney, (App 1).

*NOTE; All appendix referances appears in petitioners application for certorari.

3) Plaintiff/Petitioner stated a federal question in his claim of false imprisonment.

B. Georgia Court of Appeal

- 1) Federal questions were raised in Appellant's Enumeration of Errors (App 15)
- 2) Federal questions were present in Appellant's Brief. (Recorded but not reprinted in petition).

RULINGS ON THE FEDERAL QUESTIONS

A. Trial Court

1&2) The federal questions were denied by the trial court (App 1).

3) The trial judge granted Summary Judgement in favor of the respondent, (App 1).

These rulings clearly violates the petitioners constitutional rights.

B. Georgia Court of Appeals

1&2) The Georgia Court of Appeals ruled on the Appellant Appeal, (App 4). They declared the Enumeration of Errors and the remaining issues in the brief which included the appeal of the Summary Judgement to be Moot.

This declaration by the Appeals Court ruled the federal questions present in the appeal brief to be unimportant.

SUMMARY

Contrary to the respondents claim, substantial federal questions were present and raised in both courts. The courts ruled on the issues and their rulings are contrary and repugnant to the 5th,6th,7th and 14th amendments of the U.S. Constitution.

CONCLUSION

Because of the aforementioned reasons the Supreme Court of the United States does have jurisdiction to hear this case. For the reasons setforth in the Petition and this Reply Brief it is respectfully submitted that the Petition For Writ Of Certiorari be granted. Thank You.

